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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,940	10/19/2004	Goran Sundholm	U 015418-4	8650
140	7590	09/17/2007		
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER ALI, HYDER	
			ART UNIT 3747	PAPER NUMBER
			MAIL DATE 09/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,940

Applicant(s)

SUNDHOLM, GORAN

Examiner

HYDER ALI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5,7-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,8,9 and 11 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7 and 12 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodman (US 4,459,943).

As to Claim 1, Goodman discloses in an intake-air method of a spraying apparatus for humidification of intake air of an engine, said apparatus comprising at least one spraying nozzle 36 in an intake duct 14 of the engine for spraying a first pressure medium liquid and/or gas into the intake air, the improvements in that:

After supply of the first pressure medium liquid and/or gas for the spraying has been interrupted, the supply of the first pressure medium liquid and/or gas to the nozzle is continued at a substantially lower pressure to prevent clogging of the nozzle 36. **(Vary the flow of supply air is considered as preventing clogging of the nozzle 36 of Goodman patent). See col. 9, lines15-20.**

As to Claim 7, Goodman discloses apparatus in a spraying apparatus or humidifier for intake air, said apparatus comprising at least one spraying nozzle 36 for spraying a first pressure medium liquid and/or gas into the intake air, characterized by means for conveying a second pressure medium liquid and/or gas to the nozzle after supply of the first pressure medium liquid and/or gas to the nozzle has been interrupted to prevent

clogging of the nozzle, a pressure medium source or pump 48 pumping pressurized air, and means for conveying the pressure medium from the pressure medium source 48 to the nozzle 36. **(Vary the flow of supply air is considered as preventing clogging of the nozzle 36 and varying the flow of supply air is also considered as a second pressure medium gas of Goodman patent). See col. 9, lines15-20.**

As to Claim 12, Goodman discloses in an intake-air method of a spraying apparatus for reducing **(for reducing is an intended use limitation)** nitrogen oxide emissions of an engine, said apparatus comprising at least one spraying nozzle 36 in an intake duct 14 of the engine for spraying a first pressure medium liquid and/or gas into the intake air, the improvements in that: after supply of the first pressure medium liquid and/or gas for the spraying has been interrupted, the supply of the first pressure medium liquid and/or gas to the nozzle 36 is continued at a substantially lower pressure to prevent clogging of the nozzle. **(Vary the flow of supply air is considered as preventing clogging of the nozzle 36 of Goodman patent). See col. 9, lines15-20.**

2. Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bochet (US 1,491,376).

As to Claim 4, Bochet discloses a method according to in a spraying apparatus for intake air, said apparatus comprising at least one spraying nozzle 14 for spraying a first pressure medium (fuel oil pump 18 is pumping a first pressure medium) into the intake air, characterized in that after a supply of the first pressure medium for the spraying has been interrupted, a second pressure medium (water pump 19 is pumping a second

pressure medium) is conveyed to the nozzle to prevent clogging of the nozzle and admission of the first pressure medium into a feed channel of the second pressure medium is prevented by a check valve 28.

As to Claim 5, Bochet discloses a method according to in a spraying apparatus for intake air, said apparatus comprising at least one spraying nozzle 14 for spraying a first pressure medium (fuel oil pump 18 is pumping a first pressure medium) into the intake air, characterized in that after a supply of the first pressure medium for the spraying has been interrupted, a second pressure medium (water pump 19 is pumping a second pressure medium) is conveyed to the nozzle to prevent clogging of the nozzle and a supply pressure is maintained in a supply pipe 25 of the second pressure medium.

Allowable Subject Matter

Claims 3,11,8 and 9 are allowed.

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's argument such as "the rejection of claims 1, 7 and 12 is based on an assumption that the varied flow of supply air of Col. 9, lines 15-20, prevents clogging, as claimed, even though the patent makes no such assertion. Clogging is not mentioned in the patent and variation includes zero, i.e., clogged flow. Therefore, the rejection reflects learning from the teaching found only in the application, and such hindsight has long been and is still prohibited" filed 6/29/2007 have been fully

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considered and are **not persuasive**, because claims 1, 7 and 12 fails to structurally define over the prior art reference (Goodman US 4,459,943). Please point out from the claims if there is any structural difference between the claimed structure and prior art reference (Goodman US 4,459,943). It is the examiner's position that vary the flow of supply air is considered as preventing clogging of the nozzle 36 of Goodman patent.

Applicant's argument such as "**the failure of the Action to consider the Response of January 11, 2007**, already noted above with reference to claims 4 and 5 suggests confirmation and not repetition to traverse their rejection under 35 US 102 for anticipation by the previously cited Bochet patent, and also their teaching away therefrom. Consideration of the prior Response is again requested" filed 6/29/2007 have been fully considered and are **not persuasive** because Response of January 11, 2007 was not entered in the **EDAN software**.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the


advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYDER ALI whose telephone number is (571) 272-4836. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Kirk Cronin can be reached on (571) 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER